

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/651,059	VISCOMI ET AL.	
	Examiner	Art Unit	
	John J. Wilson	3732	

All participants (applicant, applicant's representative, PTO personnel):

(1) John J. Wilson. (3) \_\_\_\_\_

(2) Dominic A. Viscomi. (4) \_\_\_\_\_

Date of Interview: 26 October 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal (copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 26-37.

Identification of prior art discussed: Tofflemire (367) and (486).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: It was agreed that the limitations of the proposed claims would be allowable, subject to a final review.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**ATTACHMENT:**

☒ Proposed Claims for Interview.

John J. Wilson  
Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

The applicants, Dominic Viscomi and Brian Viscomi, have opted not to pursue patent application # 10/457168 "Composite Contact Dental Matrix Band" and are requesting express abandonment of such. Because of the similarities between patent applications # 10/651059 and 10/457168, the applicants would prefer to avail upon the provisionally allowable subject matter of # 10457168 namely claims # 30 and 31, and also the suggested claim allowable over the prior art and apply them to application # 10/651059. With that in mind, please note that application # 10/651059 has been amended to contain a provisionally accepted independent claim with attendant dependent claims, and also to include the provisionally allowed claims 30 and 31 of # 10/457168 which have been amended to agree with the language and claims of # 10/651059.

Claims 1-25 (cancelled)

Claim 26 (new): A dental matrix band for restoring a tooth with restorative material comprising, a boomerang shaped body having [a] at least one hole, said at least one hole having a periphery contained entirely within the body and said hole having a size and shape for allowing the restorative material to extrude through said at least one hole during use, a contiguous appendage extending above the border of said body and located directly above said at least one hole, said body further comprising [a] at least one weakening notch being contiguous with said hole and extending from the periphery of said at least one hole into the body of the band [towards said appendage], whereby, after [cutting into said appendage] applying a constrictive force, said at least one hole and said at least one weakening notch allows the band to be easily separated and removed after use.

Claim 27 (new): The dental matrix band of claim 26 which may possess more than one extrusion window or hole to allow for extrusion of a restorative material

Claim 28 (new): The dental matrix band of claim 26 which may contain a plurality of weakening or separating notches in different configurations to effect a lateral separation through said hole of said band.

Claim 29 (new): The dental matrix band of claim 26 wherein there is one weakening or separating notch on the inferior border of said band's body in alignment with said hole.

Claim 30 (new): The matrix band of claim 26 wherein there is a weakening or separating notch at the inferior border of said hole.

Claim 31(new): The dental matrix band of claim 26 wherein there is a weakening or separating notch on the inferior border of said hole in alignment with a weakening or separating notch on the inferior border of said band's body.

Claim 32 (new): The matrix band of claim 26 where there is a weakening or separating notch in the superior aspect of said hole.

Claim 33 (new): The matrix band of claim 26 wherein there are weakening or separating notches in the superior aspect of the hole, and in the inferior border of the band of which both notches are in alignment with each other.

Claim 34 (new): The matrix band of claim 26 wherein there are weakening or separating notches in the superior and inferior aspects of the hole, of which both notches are in alignment with each other.

Claim 35 (new): The matrix band of claim 26 wherein there are weakening or separating notches in alignment with each other located on the inferior border of the body, the inferior border of the hole or extrusion window, and the superior and the border of the hole or extrusion window.

Claim 36(new): A method for restoring inter-proximal tooth contact comprising:

(a) providing a boomerang shaped body having at least one hole, said at least one hole having a periphery contained entirely within the body and said hole having a size and shape for allowing the restorative material to extrude through said hole during use, a contiguous appendage extending above the border of said body and located directly above said hole, said body further comprising at least one weakening notch being contiguous with said hole and extending from the periphery of said at least one hole into the body of the band towards said appendage

(b) providing a prepared decayed tooth with one or more prepared inter-proximal surfaces.

(c) attaching said non-disjoined flexible body of material to a retaining device and placing the body circumferentially around said decayed prepared aligning at least one said hole with one or more prepared inter-proximal surfaces of a decayed prepared tooth.

(d) positioning said at least one said hole with said one or more inter-proximal surfaces.

(e) the introducing of a restorative material within the confines of said enveloped prepared tooth such that it will traverse said inter-proximally positioned hole.

(f) administering a number of restorative steps to produce a restored tooth.

(g) removing said flexible body from said restored tooth.

Claim 37(new): A method for removing a matrix band placed circumferentially around a tooth comprising:

- (a) providing a flexible body of material to wrap around a tooth possessing one or more weakening or separating notches within said body that align inferior-superiorly through at least one hole with a continuous periphery formed within said flexible body's intact hole or extrusion window and terminates within a superiorly positioned semi-circular appendage that is contiguous to the superior border of said band's body.
- (b) attaching said body to a retaining device and placing said body circumferentially around a tooth with one or more prepared inter-proximal surfaces.
- (c) applying an initial separating cut to the superior aspect of said semi-circular appendage
- (d) providing a constrictive force to effect a lateral separation of said non-disjoined flexible body through said at least one aperture.
- (e) removing said separated non-disjoined flexible body from said restored tooth.